

Remarks

1. Summary of the office action and advisory action

In the office action mailed November 17, 2008, (i) the Examiner indicated that claims 1-11, 18, 19, 22, 25, and 26 are pending in this application¹, (ii) the Examiner rejected claims 1-11, 18, 19, and 22 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,275,243 (Gibbons), and (iii) the Examiner indicated that claims 25 and 26 are rejected², but the Examiner did not state any legal grounds on which claims 25 and 26 were rejected.

In the advisory action mailed April 27, 2009, the Examiner maintained that claims 1-11, 12, 22, 25, and 26 are rejected. Further, the Examiner stated the request for reconsideration was considered but did not place the application in condition for allowance.

2. Information Disclosure Statements

In the office action mailed November 17, 2008, the Examiner indicated that the information disclosure statements filed on February 20, 2008 and May 1, 2008 have been considered. Applicant thanks the Examiner for considering these information disclosure statements. Applicant has received an initialed and signed copy of the information disclosure statement filed on February 20, 2008. However, Applicant has not received and the Patent Application Information Retrieval (PAIR) system does not include an initialed and signed copy of the information disclosure statement filed on May 1, 2008. Applicant respectfully requests that the Examiner provide for the record an initialed and signed copy of the information disclosure statement filed on May 1, 2008 to show which of the references cited on this information disclosure statement have been considered.

¹ See, office action, p. 1, Office Action Summary.

² Id.

3. Amendments and status of the claims

Applicant has amended claims 1, 3-5, 8-11, 18, 19, and 22, cancelled claims 25 and 26, and added new claims 27-29. Claims 1-11, 18, 19, 22, 27, 28, and 29 are presently pending in this application. Of the pending claims, claims 1 and 29 are independent.

Applicant has amended 6 paragraphs of the specification to correct typographical errors. In amending the specification, no new matter was added to the specification.

4. Claims 1-11, 18, 19, and 22

The Examiner rejected claims 1-11, 18, 19, and 22 under 35 U.S.C. § 102(e) as being anticipated by Gibbons. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant respectfully traverses the rejection of claims 1-11, 18, 19, and 22.

Of claims 1-11, 18, 19, and 22, claim 1 is independent. Applicant submits that Gibbons does not teach or suggest each and every element recited in claim 1, as amended.

At a minimum, Gibbons does not teach or suggest the wireless mobile phone downloading a descriptor file pertaining to the content, *wherein the descriptor file includes a Uniform Resource Identifier (URI) that identifies an application for handling the content*, and if the AMS of the wireless mobile phone thereby determines that the wireless mobile phone does not include an application to handle the content, then *the AMS presenting a user with an option to download the application for handling the content and identified by URI of the descriptor file*, as recited in claim 1, as amended.

Gibbons discloses (i) mobile terminals (MTs) include smart or web-enabled phones, (ii) an MT device 110 includes an Application Manager (AM) 112, and (iii) after it has received a Wireless Application Descriptor (WAD) URI, the AM initiates WAD Downloads 220 in order to receive the WAD for further processing. *See*, Gibbons, column 1, lines 57-58, column 8, line 15, and column 11, lines 19-21. According to Gibbons, the WAD 130 instructs the AM 112 on the download process for a download object (DO), the WAD 130 specifies one or more operations to be performed by the AM 112, the WAD 130 specifies metadata for DOs, and DO metadata may be specified as one or more metadata elements, such as Package elements, Object elements, Restriction elements, Device elements, and Icon elements. *See*, Gibbons, column 8, lines 28-37. Gibbons further discloses that Object element metadata attributes include an object-URI (URI for locating DO on a communication network), a profile-URI (URI for specifying location of requirements for DO), and a status-URI (URI for posting status of DO download). *See*, Gibbons, Table 1.

Even if it is assumed, for the sake of argument, that (i) the MT device 110 of Gibbons amounts to the wireless mobile phone recited in claim 1, (ii) the AM 112 of Gibbons amounts to the AMS recited in claim 1, and (iii) the download object of Gibbons amounts to the content recited in claim 1, Applicant submits that Gibbons' object-URI for *locating* a download object does not amount to the claimed URI that identifies an *application for handling* the content (i.e., the download object according to the assumption). Applicant further submits that Gibbons' profile-URI and status-URI do not amount to the claimed URI that identifies an application for handling the content (i.e., the DO according to the assumption).

Further, Gibbons discloses that a developer submits an application and a content descriptor file to a *content provider*, and that a sample content descriptor file includes a content-URL (i.e., a URL location of the application). *See*, Gibbons, column 17, lines 21-22, and Table 2. According to Gibbons, the content descriptor file describes the functionality which must be present in a user's device for the application to run properly. *See*, Gibbons, column 17, lines 24-27. Since Gibbons' content-URL merely identifies the URL location of the application to which the content descriptor file pertains, Applicant submits that Gibbons' content-URL does not amount to the URI that identifies an application for handling the content, as recited in claim 1.

Further still, even if it is assumed, for the sake of argument, that Gibbons' content-URL amounts to a URI that identifies an application for handling the content, since Gibbons merely discloses submitting the application and content descriptor file (including the content-URL) to the *content provider*, Applicant submits that Gibbons does not disclose or suggest the *wireless mobile phone* downloading a descriptor file pertaining to the content, wherein the descriptor file includes a Uniform Resource Identifier (URI) that identifies an application for handling the content.

Finally, since Gibbons does not disclose or suggest the *wireless mobile phone* downloading a descriptor file pertaining to the content, Applicant submits that Gibbons does not disclose or suggest, if the AMS of the wireless mobile phone thereby determines that the wireless mobile phone does not include an application to handle the content, then the AMS presenting a user with an option to download the application for handling the content and identified by URI of the descriptor file, as recited in claim 1.

Because Gibbons does not teach or suggest each and every element of claim 1, Gibbons fails to anticipate claim 1 under 35 U.S.C. § 102(e). Additionally, without conceding the assertions made by the Examiner regarding dependent claims 2-11, 18, 19, and 22, Applicant submits that dependent claims 2-11, 18, 19, and 22 are allowable for at least the reason that they depend from allowable claim 1.

5. Claims 25 and 26

The Office Action Summary indicated that claims 25 and 26 are rejected, but the Examiner did not state any legal grounds on which these claims were rejected.

Applicant has cancelled claims 25 and 26. Applicant submits that a rejection of claims 25 and 26 is therefore moot. Applicant respectfully requests that the Examiner withdraw the rejection of claims 25 and 26.

6. New claims

Applicant has added new claims 27-29. Each of claims 27 and 28 depends from independent claim 1 and necessarily includes each and every limitation of claim 1. Applicant submits that claims 27 and 28 are allowable for at least the reason that each of these claims depends from allowable claim 1.

Claim 29 is independent. Applicant submits that claim 29 is allowable for reasons stated above for claim 1.

7. Conclusion

Applicant believes that all of the pending claims have been addressed in this response. However, failure to address a specific rejection or assertion made by the Examiner does not signify that Applicant agrees with or concedes that rejection or assertion.

For the foregoing reasons, Applicant submits that claims 1-11, 18, 19, 22, 27, 28, and 29 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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